

### **REMARKS/ARGUMENTS**

The above amendments are made to meet the objections and overcome the rejections of the Examiner. Claims 1, and 3-17 remain for consideration. Claim 1 has been amended to give weight to the arguments made in applicant's prior response with respect to commercial success and use of hindsight.

Applicant anticipates filing formal drawings upon receipt of a notice of allowance.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mech in view of Kasper and Hintz. The Examiner's rejection assumes that a person skilled in the art would find it obvious to combine selective teachings from the above three patents to arrive at applicant's invention. First, such a conclusion assumes that the need addressed by applicant was appreciated and, secondly, that one would pick these patents from the hundreds of patents in the art area, if the need were appreciated. No evidence is offered by the Examiner that persons were working on improving display cases for gun shops for the purpose of reducing the labor needed at opening to arrange guns for display and at closing to secure the guns for security.

Mech, a 1996 patent, teaches display case which would not be considered a safe. As shown and discussed, one would assume, the case is light enough for carrying and placement atop other glass display cases to display earrings and necklaces. Assuming one appreciated the need to which applicant's invention is addressed, an all in one safe and display case, one would not look to Mech. A major criteria for a safe, is that it be sufficiently heavy and bulky to not be considered moveable. Jewelry and firearms are not in the same art. In looking to solve applicant's need one would not look to Mech.

The need to combine these particular teachings to arrive at applicant's safe configuration is not obvious. Applicant has offered his declaration as to his commercial success with a firearms safe in accordance with his invention. These safes cost thousands of dollars and would not have met commercial success unless the advantages over existing or obvious alternatives justified the expense to firearm stores and firearm enthusiasts.

Combining the teachings as proposed is unobvious. Mech is not where one would start or arrive. Kasper is a 2001 patent concerning a lockable cabinet for dispensing lottery tickets and phone cards from within. Kasper is primarily directed to an improved locking mechanism and hinge. Kasper is not dealing with a display situation. Hintz on the other hand is a safe but given it being dated from 1870, not a place one would look if you appreciated applicant's need and were aware that the safe industry had not adequately addressed the need in the intervening 130 years. The diverse objectives of the patents combined by the Examiner also teach away from the obviousness of combining the teachings.

Mech teaches display hooks for earrings and necklaces. Mech does not suggest displaying weapons on both doors. Mech's left door 14 and does not suggest the depth needed to have weapons mounted on the back wall and on the door at the same time when the door is closed. Mech does not suggest having the door 14 open during business hours or having the door 14 open back on itself with an "L" shape to have the interior of the door become an extension of the planar back wall 34. Mech teaches a mirror on the interior of the left door 14 which is incompatible with hanging weapons and there would be no advantage in Mech in having the door 14 swing open as an extension of the back

wall because the mirror would be moved further from the customer (Mech col. 4, lines 13-19).

Kasper does not cure the deficiencies of Mech. Kasper does teach "L" shaped doors but for a different purpose and in a configuration preventing the doors from being a planar extension of the back wall accomplishing applicant's purpose. Kasper's purpose for using an "L" shape is to better protect pivot bar 79-3 from outside tampering. Kasper teaches locating the pivot bar in from the side edge 75-3 which prevents rotating door 75 back on itself to have the interior of the door 75 become an extension of the planar back wall 73. Kasper's cabinet is not for displaying objects from the inside surface of the doors or within the cabinet. Kasper's doors are not intended to be left open. Kasper's cabinet encloses lottery tickets and phone cards for dispensing and its purpose is to combat tampering. One would not look to Kasper to modify a jewelry cabinet or for ideas for display cabinets.

Hintz does teach locks and linkages on double doors of a safe. What Hintz does not teach is to modify the thickness of the walls of Mech to accommodate the heavier locks and linkages of Hintz.

Thus the combination of Mech in view of Kasper and Hintz is not obvious and does not produce the safe configuration of applicant as now claimed. This unobviousness has also been confirmed in the market place.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mech in view of Kasper and Hintz as applied to claim 1, further in view of Schmitz. Schmitz is a 1925 patent which teaches use of fire resistant materials and seals when a safe is double walled. What Schmitz does not teach is to combine a jewelry cabinet with

a ticket dispenser and safe in a particular manner to reach claim 1 and in turn to add fire resistant material to the jewelry cabinet.

Claims 6, 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mech in view of Rice et al. Rice is a 1999 patent, which teaches that gun rack holders should be adjustable to accommodate rifles of different shapes or sizes. What Rice et al. does not teach is to add his advance to a jewelry cabinet sitting on a glass display case.

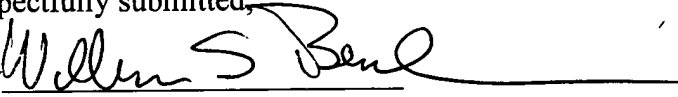
Claims 7, 8, 10-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Mech reference as applied to claims 6 and 14 above, and further in view of Kasper. Applicant reiterates that the above combination of teachings is unobvious and, in particular, that the “L” shape door of Kasper is for another purpose, that of protecting the hinge, and does not allow the door to become a planar extension of the back wall for display purposes.

Claims 16 and 17 are rejected under 35 U.S.C. 104(a) as being unpatentable over the Mech reference as applied to claim 15 above, and further in view of Dick et al. Dick et al. is a 1918 patent predating all but the Hintz patent. It is unobvious to combine Mech with Dick et al. and the others. The need for a better weapons display case to save labor is not appreciated by the teachings of these patents. The time span of the patents is also indicative of the unobviousness of combining the teaching. If obvious, the combination should have appeared before now.

Applicant respectfully requests that the application and Claims as amended be  
passed to allowance.

Respectfully submitted,

By

A handwritten signature in black ink, appearing to read "William S. Bernheim", written over a horizontal line.

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